

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 EVANGELINA MUNIZ SANCHEZ,

10 Petitioner,

11 v.

12 JANET NAPOLITANO, Secretary of the
13 Department of Homeland Security, *et al.*,

14 Respondents.

NO. C09-1659-TSZ-BAT

**REPORT AND
RECOMMENDATION**

15 On November 19, 2009, petitioner Evangelina Muniz Garcia, proceeding pro se, filed a
16 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging her detention by
17 the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest Detention Center in
18 Tacoma, Washington. (Dkt. 1). On January 13, 2010, however, respondents filed a
19 supplemental exhibit indicating that on January 31, 2009, petitioner was removed to Mexico
20 afoot. (Dkt. No. 15, Ex. A.) Accordingly, petitioner is no longer detained by ICE.
21

22 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
23 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).
24 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer
25 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.
26

1 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
2 properly dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I
3 recommend that this action be dismissed. A proposed Order accompanies this Report and
4 Recommendation.

5 DATED this 20th day of January, 2010.
6
7

8 

9

BRIAN A. TSUCHIDA
United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26